

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Alonzo Smith Reid, Jr.,)	
)	
Petitioner,)	
)	1:06CV00329
v.)	1:04CR336-1
)	
United States of America,)	
)	
Respondent.)	

RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Petitioner, a federal prisoner, has submitted a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. This motion cannot be further processed for the following reason:

1. Petitioner already has a motion pending before this Court, No. 1:05CV888, which was filed on October 4, 2005. Petitioner should request amendment in that case if he seeks leave to add further claims.

Because of this pleading failure, this particular motion should be dismissed, but without prejudice to petitioner seeking to amend his pending motion.

IT IS THEREFORE RECOMMENDED that this action be filed and dismissed sua sponte without prejudice to petitioner seeking leave to amend his pending motion.

/s/ P. Trevor Sharp
United States Magistrate Judge

Date: April 13, 2006